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APPLICATION NO. 09/030,675	FILING DATE 02/25/98	FIRST NAMED INVENTOR WILEN	ATTORNEY DOCKET NO. J W0051040
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EXAMINER SPISICH, M

ART UNIT 1744	PAPER NUMBER # 7
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DATE MAILED: 12/31/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/030,675

Applicant(s)

Wilen

Examiner

Mark Spisich

Group Art Unit
1744



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) 9-12 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-12 are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, drawn to a wringer/bucket assembly, classified in class 15, subclass 261.
 - II. Claims 9-12, drawn to a method of supporting a mop, classified in class 248, subclass 110.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used to practice another and materially different process such as one which did not utilize a mop within mopping yarns.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with D. Scott Sudderth on 28 December 1998 a provisional election was made without (which is a condition of making the application special) traverse to prosecute the invention of group I, claims 1-8. Affirmation of this election must be

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made by applicant in replying to this Office action. Claims 9-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Comment Regarding References Provided By Applicant

5. The references provided by applicant have been reviewed by the examiner. The most relevant patents have been made of record on the PTO-892 attached to this office action. Applicant should submit a "1449" if it is desired that the remaining patents be officially made of record in that they were listed in the body of a petition to make special.

Notice Of Informal Examiner's Amendment

6. The following changes have been made by informal examiner's amendment:

(1) "28" (page 7, lines 9 and 12) changed to -- 29 --; (2) "21" (page 7, line 13) changed to -- 28 --; (3) "36 and 37" (page 9, line 1) changed to -- 37 and 38 -- and (4) "50" (page 10, line 1) deleted and moved to follow "handle".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Canada 484,207.

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9. Claim 5 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Olsson (USP 4,722,113).

10. Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schulman (USP 1,952,824).

11. Claims 5-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Robb (USP 1,882,918).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robb (USP 1,882,918) in view of Schulman (USP 1,952,824). The patent to Robb discloses a mop bucket (7) and wringer (9) assembly wherein there is provided on the wringer a support (15) for receiving and releasably holding the handle of a mop and wherein the support is in the form of a recess (15) in a flange (6) attached to the wringer. The patent to Robb discloses the invention substantially as claimed with the exception of "snap fit". The patent to Schulman discloses a clip (40) which secured the mop handle thereto in a "snap-fitting" relation. It would have been obvious to have modified the support of Robb as such so as to more securely retain the mop within the bucket.

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14. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elkington (USP 2,337,319) in view of Robb (USP 1,882,918). The patent to Elkington discloses the known combination of a mop wringer in combination with a bucket and fails only to disclose a support thereon for supporting the handle of a mop. The patent to Robb discloses the provision *on a mop wringer* of a support (15) for supporting the handle of a mop in an upright position (see page 2, lines 19-25). It would have been obvious to have provided such a support to the device of Elkington so that the mop would stay in the bucket during periods of non-use. The patent to Robb discloses the flange (6) attached to or integral with the wringer and having a recess (15) therein.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 3 above, and further in view of Mangano (USP 5,813,567). The recess (15) of Robb is also outwardly open (as in claim 4) but does not really disclose "contoured side edges". The patent to Mangano discloses such a recess (26) in a flange (24) which is also for supporting a mop handle. It would have been obvious to one of ordinary skill to have further modified the shape of the recess of Robb to grip the periphery of the handle better.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent to buckets or wringers having some type of handle support associated therewith.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271.



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400

1202

Mark Spisich

December 29, 1998